

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LIONELL NELSON,

Plaintiff,

v.

DECISION AND ORDER
14-CV-870A

LARRY GLEASON, et al.,

Defendants.

The Court referred this case to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1)(B). On November 22, 2016, Judge Scott filed an Order (Dkt. No. 25) denying the Plaintiff's motion for reconsideration of the Clerk of the Court's denial of entry of default. On December 12, 2016 the Plaintiff filed a notice (Dkt. No. 33) seeking to appeal Judge Scott's Order to the U.S. Court of Appeals for the Second Circuit. The Court construed that notice as an objection to Judge Scott's Order and entered a briefing schedule. Defendants filed their response, and the Plaintiff replied.

The Court reviews Judge Scott's Order for clear error. *See Allen v. Quality Hotel*, No. 06-CV-673-A, 2008 WL 141732 (W.D.N.Y. Jan. 14, 2008), *adopting* 2008 WL 53289, at *1 n.1 (W.D.N.Y. Jan. 3, 2008) (treating motions related to default judgment as non-dispositive motions). Thus, the Court "may reconsider [Judge Scott's Order] where it has been shown that the . . . order is clearly erroneous or contrary to law." 28 U.S.C. §636(b)(1)(A). Upon such review, and after reviewing the submissions from the parties, the Court affirms Judge Scott's Order. Accordingly, the Plaintiff's motion for reconsideration of the denial of entry of default is denied.

The case is referred back to Judge Scott for further proceedings.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 7, 2017